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SUBJECT: MADAGASCAR: CHILD LABOR AND FORCED LABOR FOR DOL  
CONGRESSIONAL REPORTING REQUIREMENTS

REF: 09 STATE 131995

¶1. SUMMARY: Madagascar's ongoing political crisis, which began in December 2008, has severely diminished the government's ability to address a wide range of social problems, including child labor and forced labor. The most recent reliable data specific to this subject remains the 2007 national survey on child labor from ILO/IPEC, but anecdotal evidence suggests that any recent gains were likely erased by the crisis of 2009. Trade and investment have shrunk, unemployment has risen, and the government has had to adapt to substantial cuts in direct budget assistance from the IMF and EU members in December 2008, followed by reduced development assistance after the March 2009 military-backed coup. Predictably, the crisis has disproportionately affected Madagascar's most vulnerable populations, although reliable statistics on the subject remain unavailable. This cable responds to reftel tasking concerning the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2005, and the Trade and Development Act (TDA) of 2000. Responses in paragraphs 2 (TVPRA) and 3 (TDA) are keyed to questions as presented in reftel. END SUMMARY.

¶2. TASKING 1/TVPRA: Information on the use of forced labor and/or exploitive child labor in the production of goods.

In consultation with local NGO contacts, post has identified the following 11 specific goods as being produced with exploitive/hazardous child labor. This list is not exhaustive; given the extent of child labor in Madagascar, Post focused on specific goods of which we had personal knowledge, or for which we could rely on the personal experience of trusted NGO contacts. There are, most likely, many more goods produced, to some extent, with child labor.

1/A) GOOD: Wine

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:  
Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children as young as 11 to 13 years old are responsible for harvesting grapes used in wines produced in the region of Haute Matsiatra (mainly in Ambalavao). Children are only involved on small farms, and do not play a role once the grapes have been sold to actual wine producers.

E) PREVALENCE: Statistics are unavailable.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: The GOM, with PACT Madagascar, through its program KILONGA, have targeted the Association of Winegrowers with information and education campaigns, resulting in a commitment on their part to make an effort to stop recruiting children. Despite this commitment, they recognize that while industrial farms do not directly recruit children, children continue to work in family vineyards, which are the wine industry's main source of grapes.

2/A) GOOD: Tea

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009), Internet sources

D) NARRATIVE DESCRIPTION: Children aged 11 to 13 are involved in the harvesting and the transport of tea leaves from the plantations. Malagasy tea plantations are located in the village of Sahambavy (Fianarantsoa, Haute-Matsiatra region), with a surface area of about 330 hectares, of which 94 hectares are managed by local farmers. Children are often asked to carry up to 50 kilos of tea leaves on their backs, and are also employed to spray fertilizer.

E) PREVALENCE: It is difficult to provide statistics, but up to 500 seasonal staffers are hired during the peak season of October to April for harvesting. Eighty percent of the tea produced in this region is reportedly destined for export, mainly to Kenya. Working children are paid fifteen ariary (USD 0.007) per kilo of tea leaves.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

3/A) GOOD: Cocoa

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Young boys aged from 10 to 12 in Ambanja (Diana region) work to harvest cocoa by climbing up cocoa trees. Young girls join them later to sell the products in the local markets, sometimes for export. Production peaks in June-July and in October-November.

E) PREVALENCE: More than 90 percent of the national cocoa supply is produced in Ambanja and the Sambirano region, primarily by family farms for export. Internet sources indicate that the country produces up to 4,000 tons of cocoa per year from its 1,700ha of plantations, for export mainly to European countries including Germany, the Netherlands, France, and Belgium, and to South Africa.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

4/A) GOOD: Oysters

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children are directly engaged in collecting oysters, for consumption in local restaurants or sale in markets.

E) PREVALENCE: Statistics are unavailable.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: Post is not aware of any specific efforts to combat this practice.

5/A) GOOD: Essential oils

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children aged as young as 11 to 13 are paid MGA 37 (USD 0.017) per kilo of medicinal plant leaves harvested and transported for the production of essential oils in the region of Haute Matsiatra. Most essential oils are destined for the export market.

E) PREVALENCE: No exact statistics are available, but PACT's general assessment notes that child labor mostly occurs in family farms or plantations.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

6/A) GOOD: Cotton

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Girls as young as 8 to 10 years old are working in cotton plantations in the Diana region, primarily around the city of Ambilobe. Cotton is produced for local textile factories and the export market.

E) PREVALENCE: Statistics are unavailable.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS

SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

7/A) GOOD: Baskets

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Young girls aged 14 to 15 in Foulpointe (Atsinanana region) are involved in basket-weaving and in the dyeing of raffia, which is used as raw materials for the baskets. Goods are primarily intended for both local consumption and foreign tourists.

E) PREVALENCE: Statistics are unavailable; baskets are made in many locations around the country, but PACT's research was limited to seven target regions, and child labor was only found in Atsinanana region for this particular good.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS

SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

8/A) GOOD: Gravel

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: In the Diana region, children start working in stone quarrying as early as age 7, while those from the Atsinanana region start later at the age of 9 to 11. Child labor has also been observed in this sector in the Androy region. Whole

families often work in one quarry, with children helping their parents.

E) PREVALENCE: Statistics are unavailable.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS

SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

9/A) GOOD: Vanilla

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children aged 9 to 17 are working at all stages in the production of vanilla around the town of Sambava. They start in harvesting, but also participate in processing, especially on family farms.

E) PREVALENCE: PACT statistics show that 20 to 30 percent of the harvesting is done by children.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS

SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

10/A) GOOD: Copra (the dried meat, or kernel, of the coconut)

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:

Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children aged 9 to 17 are harvesting copra in the SAVA region. While harvesting is the most visible part of child labor in the copra producing, PACT suspects that children are involved in all of the processing phases. Further evidence of this was unavailable, however, due to the fact that copra processing is done inside family homes.

E) PREVALENCE: Statistics are unavailable.  
F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

11/A) GOOD: Bricks

B) TYPE OF EXPLOITATION FOUND IN THE PRODUCTION OF THE GOOD:  
Exploitive/hazardous child labor

C) SOURCES OF INFORMATION AND YEARS: PACT (2009)

D) NARRATIVE DESCRIPTION: Children aged 8 to 14 are engaged in the transport of bricks from the rice fields where bricks are made to either the trucks or a construction site in the Analamanga region. Generally, their parents are already working on making the bricks and they contribute by transporting the bricks.

E) PREVALENCE: Statistics are unavailable.

F) HOST GOVERNMENT/AUTHORITIES, INDUSTRY, OR NGO EFFORTS SPECIFICALLY DESIGNED TO COMBAT FORCED LABOR OF ADULTS OR CHILDREN IN THE PRODUCTION OF GOODS: PACT is conducting an education and information campaign through their Kilonga project, in order to promote the reinsertion of working children into the school system.

### 13. TASKING 2/TDA: Information on exploitive child labor.

#### 2A) PREVALENCE AND SECTORAL DISTRIBUTION OF EXPLOITIVE CHILD LABOR

11. In what sectors (not related to the production of goods) were children involved in exploitive labor (such as domestic service, street vending, and/or child prostitution)?

The 2007 National Survey on Child Labor in Madagascar (ENTE in its French acronym, produced jointly by the ILO and the GOM with 2007 data, and published in December 2008) identified significant amounts of child labor in agriculture, livestock, fishing, domestic labor, commerce, food service, manufacturing, and mining. Agriculture, livestock, and fishing account for 85.6 percent of total child laborers, but domestic work and commerce (including food services) account for sizable numbers of child laborers not related to the production of goods: 6 percent and 4 percent, respectively. Smaller numbers are involved in child prostitution in limited areas, but the ENTE does not provide data on them.

12. Posts are requested to determine if the government collected or published data on exploitive child labor during the period, and if so, whether the government would provide the data set to DOL for further analysis.

The 2007 ENTE (see 2A para 1) remains the most recent comprehensive survey on child labor in Madagascar. In 2009, Madagascar completed Phase I (the first five years) of its 15-year National Action Plan

to Fight Child Labor (PNALTE), which spans 2004 to 2019. An assessment done for the PNALTE counted 17,000 children as prevented from working and 9,000 as withdrawn from the work environment since 2004, largely under the ILO/IPEC Timebound Program that covered the same period. This assessment also provided initial goals for Phase II (2010-2015), but these have not yet been published. Post has been unable to obtain a copy of this assessment, but will provide it to DOS and DOL once it is available.

#### 2B) LAWS AND REGULATIONS:

11. What new laws or regulations were enacted in regard to exploitive child labor over the past year? If applicable, were the changes improvements in the legal and regulatory framework?

No new laws have been enacted over the past year. Parliament has been suspended since March 2009, following the coup, and no other branch of government has taken any initiative on child labor in its absence. A draft bill on the prevention of WFCL-related violations was reportedly examined in January 2009, but no further action was taken due to the crisis.

12. Based on the standards in paras 27 and 28, was the country/territory's legal and regulatory framework adequate for addressing exploitive child labor?

Madagascar has an adequate legal framework for addressing exploitive child labor, but does not have the capacity or resources to effectively implement or enforce its international commitments or domestic agenda. A series of laws and decrees from 2003 to 2007, and the PNALTE, have effectively translated Madagascar's international commitments into domestic policy, but have not yet had a significant impact on the problem itself. According to local NGO contacts, the draft bill that was discussed in January 2009 (see 2B para 1) would have made a difference in the fight against exploitive child labor by providing for more effective implementation and enforcement than currently exists.

## 2C) INSTITUTIONS AND MECHANISMS FOR ENFORCEMENT - HAZARDOUS CHILD LABOR AND FORCED CHILD LABOR:

Although reftel requests separate sections concerning "hazardous" and "forced" child labor, the GOM does not effectively discern between the two in terms of institutions and mechanisms for enforcement, and Post was thus unable to provide substantially different responses to this distinction. Both elements of child labor are included in the following 14 answers.

11. What agency or agencies was/were responsible for the enforcement of laws relating to hazardous/forced child labor?

The Ministry of Labor (MOL) has the lead in the fight against child labor, through its Office of Labor and the Promotion of Fundamental Rights. This office provides the secretariat for the National Committee to Fight Child Labor (CNLTE), which is in turn supported by the Division for the Prevention, Abolition, and Monitoring of Child Labor (PACTE).

The National Committee to Fight Child Labor (CNLTE) is an inter-ministerial committee (working with the ministries of health, education, and justice) created in 2004 to pursue and monitor the implementation of the National Action Plan to Fight Child Labor (PNALTE). It coordinates with ILO/IPEC programs, provides input on legislation and regulations on child labor, and supports civil society on related projects. There are also Regional Committees to Fight Child Labor (CRLTE), subordinate to the CNLTE, in nine (out of 22) regions.

The Division for the Prevention, Abolition, and Monitoring of Child Labor (PACTE), which supports the CNLTE, is specifically charged with the actual coordination, monitoring, and evaluation of all activities in the framework of the fight against child labor. It is also responsible for communicating information related to child labor, and conducting research and development of activities to promote the fight against child labor.

Additionally, there are five Regional Observatories for Child Labor (ORTE), created in 2007. They work on a regional basis in concert with PACTE, with a similar focus on inter-ministerial coordination, monitoring, research, analysis, and outreach.

UNICEF has been instrumental in creating commune-level "Child Protection Networks" in 761 communes (out of 1,640 in Madagascar), which serve as local focal points for cooperation between national and local government, as well as NGOs/CSOs working in this field.

In 2001, prior to the creation of the PNALTE, the Ministry of Labor (in partnership with ILO, UNICEF, and PACT Madagascar) set up the Manjary Soa Center (CMS) in Antananarivo, in order to "improve the situation of child laborers in Madagascar". It was designed to demonstrate the feasibility of fighting child labor through education and training programs that benefit the child victims, particularly those subjected to the worst forms of child labor. To date, according to GOM statistics, 308 children have been withdrawn from child labor as a result. The Center still exists today, and two additional ones were reportedly created in 2009, in Toliara and Toamasina. The Centers are the only programs fully government-funded, along with the Regional Observatories of Child Labor. No further plans for the creation of new centers have been established for 2010.

12. If multiple agencies were responsible for enforcement, were there mechanisms for exchanging information? Assess their effectiveness.

Per para 1, the MOL has the lead on child labor, but at various levels, they work with the ministries of health, education, and justice, as well as the police, gendarme, and regional government authorities. Labor inspectors (from the MOL) and magistrates (from the MOJ) are in charge of enforcing laws on child labor, while NGO/CSO partners are often charged with monitoring and follow-up.

The MOJ manages a Committee for the Reform of Children's Rights (CRDE), which is a mechanism to exchange information among the various actors involved in child labor. The CRDE focuses on reforms to the legal framework for the fight against child labor.

A local NGO contact stated that these mechanisms were insufficient, and will remain so until the draft bill from January 2009 (on enforcement and implementation) can be passed. This continued delay has reportedly caused frustration among those in law enforcement as well, who are not sufficiently empowered or trained to deal effectively with child labor violations under the current framework.

13. Did the country/territory maintain a mechanism for making complaints about hazardous/forced child labor violations? If so, how many complaints were received in the reporting period?

The Morals and Minors' Brigade, in the Gendarmerie, operates a toll-free hotline (dial 805) to anonymously report violations and the mistreatment of children. At the local level, the inter-agency UNICEF-sponsored Child Protection Networks provide a mechanism to augment the limited capabilities of the formal labor inspectors.

14. What amount of funding was provided to agencies responsible for inspections? Was this amount adequate? Did inspectors have sufficient office facilities, transportation, fuel, and other necessities to carry out inspections?

PACTE reports that the Ministry of Labor's budget allocated to child labor has been reduced due to the crisis, although reliable numbers are not available. This budget -- funded by the "Public Investment Program" (PIP) -- is divided up for the three Manjary Soa centers, which reportedly receive no outside funding. This budget is grossly insufficient, and does not address the logistical or operational needs of even the few existing inspectors. PACTE noted that the overall budget for child labor is difficult to assess, as this is a multi-sector program, funded separately by different departments, and they don't have firm numbers on the amounts allocated by the NGOs and international donors such as UNICEF and ILO.

15. How many inspectors did the government employ? Was the number of inspectors adequate?

The government employs 71 labor inspectors countrywide (in a nation of over 20 million people), of which five focus on child labor. This number is not sufficient to address even formal sector needs, leaving the large informal labor market almost entirely outside the reach of government labor inspectors.

16. How many inspections involving child labor were carried out? If possible, please provide breakdown of complaint-driven versus random, government-initiated inspections. Were inspections carried out in sectors in which children work? Was the number of inspections adequate?

PACTE reports that no complaint-driven child-labor specific inspections have been conducted in 2009. They stated, however, that child labor is evaluated during regular inspections, but were unable to provide statistics on these inspections or any incidents of child labor they uncovered.

17. How many children were removed/assisted as a result of inspections? Were these children actually provided or referred for services as a result (as opposed to simply fired)?

This data was not available.

18. How many child labor cases or "prosecutions" were opened?

This data was not available.



¶9. How many child labor cases were closed or resolved?

This data was not available.

¶10. How many violations were found or "convictions" reached?

This data was not available.

¶11. What is the average length of time it took to resolve child labor cases?

This data was not available.

¶12. In cases in which violations were found, were penalties actually applied, either through fines paid or jail sentence served? Did such sentences meet penalties established in the law?

This data was not available.

¶13. Did the experience regarding questions 7 through 10 above reflect a commitment to combat exploitive child labor?

The fact that the GOM is unable to provide this data is indicative of its low technical capabilities and the apparent low priority that the GOM accords to these activities. PACTE stated that the GOM has gotten "more involved in prevention, education, and information campaigns", but Post was unable to discern any measurable effect these efforts may have had on child labor in the country.

According to a local NGO, much work remains to be done to develop the GOM's contribution to the fight against child labor. Aside from financing the Manjary Soa Center (see para 2), and working to develop the PNALTE, the state doesn't directly finance any project in this domain. The majority of the ministries involved in fighting child labor lack the budgetary discretion to launch their own initiatives. This weak engagement presents a serious risk to the sustainability of activity once the donors eventually withdraw.

¶14. Did government offer any training for investigators or others responsible for enforcement? If so, what (if any) impact have these trainings had?

In 2008, the GOM conducted at least two workshops for labor inspectors, which reportedly resulted in "more regular" field visits to workplaces susceptible to child labor, although the lack of statistics on child labor inspections makes this statement difficult to evaluate. Post has no indication of any such trainings in 2009.

In February 2010, the ILO and the Ministry of Labor will organize a training and capacity-building workshop for labor inspectors, focusing on inspection techniques for evaluating child labor.

2D) INSTITUTIONAL MECHANISMS FOR EFFECTIVE ENFORCEMENT - child trafficking, commercial sexual exploitation of children, use of children in illicit activities:

2D, Section I: Child trafficking

¶1. Did the country/territory have agencies or personnel dedicated to enforcement of child trafficking? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

The GOM has 35 agents in the Morals and Minors Brigade of the National Police, which is in charge of all investigations related to minors. These agents work within the Ministry of Internal Security, as well as the six former provincial capitals, and six additional areas considered "red zones", although PACTE did not provide the exact locations of the red zones. Among these 35 agents, there are judicial police officers, police inspectors, and three social workers. This number is insufficient, particularly given their broad mandate, the size of the problems they are charged with

addressing, and the large territory for which they are responsible.

¶2. How much funding was provided to agencies responsible for investigating child trafficking? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

The budget for the Morals and Minors Brigade is part of the budget for the Judicial Police Directorate, and a detailed breakdown was not available. Regardless of the amount, however, it is demonstrably insufficient, given the lack of personnel, training, equipment (especially information technology), and means of transportation.

¶3. Did the country/territory maintain a hotline or other mechanism for reporting child trafficking? If so, how many complaints were received in the reporting period?

See Section 2C para 3 - "805" is the sole hotline, and accepts calls for all issues related to crimes involving minors.

¶4. How many investigations were opened in regard to child trafficking? Was the number of investigations adequate?

PACTE reports that 33 complaints of child trafficking were received and investigated in 2009. While this 100 percent rate of response is impressive, it likely represents only a small portion of trafficking cases. Anecdotal evidence from NGOs indicates a much larger problem, but no statistics are available to provide exact numbers. In addition, Post's ability to query law enforcement bodies directly on this question was constrained by the fact that the USG does not recognize the de facto GOM; these numbers, and those in subsequent paragraphs, were provided by PACTE, which is located within the Ministry of Labor (see Section 2C para 1).

¶5. How many children were rescued as a result?

PACTE states that "in 80 percent of the kidnapping cases [which are a majority of the 33 reported cases in para 4], the child is saved".

¶6. How many arrests were made or other kinds of prosecutions carried out?

PACTE states that out of 33 investigations, 18 were closed, but they did not provide statistics on the outcome of these cases.

¶7. How many cases were closed or resolved?

See para 6. No further details available.

¶8. How many convictions?

PACTE was unable to report any hard convictions, although at least seven suspects are currently in jail under a retaining writ, after having been denied bail. They have not been convicted.

¶9. Did sentences imposed meet standards established in the legal framework?

Lacking any convictions, no data is available.

¶10. Were sentences imposed actually served?

No data available.

¶11. What is the average length of time it takes to resolve cases of child trafficking?

PACTE states that it can take as little as 48 hours for the Morals and Minors Brigade to "resolve" a case, although more complex cases "may need deeper investigations". It is not clear how this statement squares with the low rates of closure, and the complete lack of convictions, nor how they define "resolving" a case.

¶12. Did the government offer any training for investigators or others responsible for enforcement of child trafficking? If so, what was the impact (if any) of these trainings?



The GOM offered several trainings in 2008 (see Section 2C para 14), but none in 2009. NGO contacts indicate that labor inspectors subsequently made a concerted effort to conduct more field visits to workplaces susceptible to child labor, but this has not had a significant impact on their actual case statistics. PACTE states that agents received further training on CSEC, sexual abuse, and

communicating with children, conducted by UNICEF and NGOs, but this too was in 2008.

¶13. If the country/territory experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

Not applicable.

## 2D, Section II: Commercial Sexual Exploitation of Children

¶1. Did the country/territory have agencies or personnel dedicated to enforcement of CSEC? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

See 2D, Section I, para 1. Madagascar deals with all forms of child exploitation and labor through the Morals and Minors Brigade of the Gendarmerie.

¶2. How much funding was provided to agencies responsible for investigating CSEC in illicit activities? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

See 2D, Section I, para 1.

¶3. Did the country/territory maintain a hotline or other mechanism for reporting CSEC violations? If so, how many complaints were received in the reporting period?

See Section 2C para 3 - "805" is the sole hotline, and accepts calls for all issues related to crimes involving minors.

¶4. How many investigations were opened in regard to CSEC? Was the number of investigations adequate?

PACTE reports one case of sex tourism, 315 cases of "corruption of a minor", and one "incitement to debauchery" .

¶5. How many children were rescued as a result?

PACTE notes that most of the children in CSEC cases have already been abused before any complaint has been filed, and was unable to provide any data on how many children were "rescued".

¶6. How many arrests were made or other kinds of prosecutions carried out?

PACTE reports one arrest for sex tourism, 190 for "corruption of a minor", and one for "incitement to debauchery".

¶7. How many cases were closed or resolved?

No figures beyond those in para 6 are available.

¶8. How many convictions?

PACTE reports two convictions for sex tourism (the second may have been from a previous year, given the data in para 4), 57 for corruption of a minor, and one for incitement to debauchery.

¶9. Did sentences imposed meet standards established in the legal framework?

PACTE states that the sentences imposed are in accordance with those defined in the legal framework. Lacking details on the cases and

sentences, Post is unable to corroborate this statement.

¶10. Were sentences imposed actually served?

No data available.

¶11. What is the average length of time it takes to resolve cases of CSEC?

See 2D, Section I, para 11. Same answer from PACTE.

¶12. Did the government offer any training for investigators or others responsible for enforcement of CSEC? If so, what was the impact (if any) of these trainings?

See 2D, Section I, para 12.

¶13. If the country/territory experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

Not applicable.

#### 2D, Section III: Use of Children in Illicit Activities

¶1. Did the country/territory have agencies or personnel dedicated to enforcement of use of children in illicit activities? How many investigators/social workers/dedicated police officers did the government employ to conduct investigations? If there were no dedicated agencies or personnel, provide an estimate of the number of people who were responsible for such investigations. Was the number of investigators adequate?

See 2D, Section I, para 1.

¶2. How much funding was provided to agencies responsible for investigating use of children in illicit activities? Was this amount adequate? Did investigators have sufficient office facilities, transportation, fuel, and other necessities to carry out investigations?

See 2D, Section I, para 2.

¶3. Did the country/territory maintain a hotline or other mechanism for reporting use of children in illicit activities violations? If so, how many complaints were received in the reporting period?

See Section 2C para 3 - "805" is the sole hotline, and accepts calls for all issues related to crimes involving minors.

¶4. How many investigations were opened in regard to use of children in illicit activities? Was the number of investigations adequate?

No information available.

¶5. How many children were rescued as a result?

No information available.

¶6. How many arrests were made or other kinds of prosecutions carried out?

No information available.

¶7. How many cases were closed or resolved?

No information available.

¶8. How many convictions?

No information available.

¶9. Did sentences imposed meet standards established in the legal framework?

No information available.

¶10. Were sentences imposed actually served?

No information available.

¶11. What is the average length of time it takes to resolve cases of use of children in illicit activities?

See 2D, Section I, para 11.

¶12. Did the government offer any training for investigators or others responsible for enforcement of use of children in illicit activities? If so, what was the impact (if any) of these trainings?

See 2D, Section I, para 12.

¶13. If the country/territory experienced armed conflict during the reporting period or in the recent past involving the use of child soldiers, what actions were taken to penalize those responsible? Were these actions adequate or meaningful given the situation?

Not applicable.

## 2E) GOVERNMENT POLICIES ON CHILD LABOR:

¶1. Did the government have a policy or plan that specifically addresses exploitive child labor? Please describe.

The GOM drafted a National Action Plan for the Fight against Child Labor (Plan National d'Action de Lutte contre le Travail des Enfants, or PNALTE) in 2004 (see 2C para 1) that details plans through 2019. The GOM recently conducted an interim assessment (covering the first third of the plan, from 2004 to 2009), although Post has been unable to obtain a copy of this report.

ILO and USG programs on child labor in Madagascar have all been designed with this framework in mind. The most recent legislative initiative under the PNALTE, a draft bill concerning the enforcement and implementation of regulations on WFCL (see 2B para 1), has been blocked due to the current political crisis.

PACTE has created a website to disseminate information on the GOM's fight against child labor, which was reportedly developed in the last year, although Post cannot confirm that. The site functions, but is already out of date, and can be accessed at [www.lcte.gov.mg](http://www.lcte.gov.mg).

¶2. Did the country/territory incorporate exploitive child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies, such as Poverty Reduction Strategy Papers, etc? Please describe.

Aside from the PNALTE, exploitive child labor has figured into several policies and strategies from the GOM since 2004, most notably as an element of the Madagascar Action Plan (MAP), a multi-year development strategy developed under former president Marc Ravalomanana. The MAP is unlikely to survive the current political crisis, but its broad focus on a wide variety of interconnected development goals will probably reappear in some form once Madagascar has restored a functional government.

The GOM's Education for All (EFA) program, developed in 2005, includes an element on reducing child labor, although the focus is on structural changes within the Malagasy education system. In addition, 786 (out of 1,640) communes have developed an action plan to fight the mistreatment of children in their "Communal Development Plan", although they routinely cite a lack of resources to implement their plans.

¶3. Did the government provide funding to the plans described above? Please describe the amount and whether it was sufficient to carry out the planned activities.

These programs are all funded through the GOM's "Public Investment Program" (PIP). Although statistics are unavailable, it is unlikely that these plans were well-funded in 2009. The de facto GOM reduced investment spending across the board in 2009 in response to reduced

revenue (see para 1, summary), and this no doubt impacted child labor initiatives. Even prior to the crisis, funding was insufficient to carry out the proposed activities.

¶4. Did the government provide non-monetary support to child labor plans? Please describe.

Post is unaware of any such support.

¶5. Provide any additional information about the status and effectiveness of the government's policies or plans during the reporting period in regard to exploitive child labor.

The draft legislation on WFCL in January 2009 would have represented a significant step forward in the GOM's efforts to combat child labor, but that project will not reappear until Madagascar has a functioning government, and restores parliament (which was suspended in March 2009).

According to a local NGO, the MOL created two additional Manjary Soa Centers (in Toamasina and Toliara) in 2009, modeled after the one created in Antananarivo in 2001.

The GOM has supported an ILO/IPEC initiative to test a new data-collection model called the Child Labor Monitoring System (Système de Suivi du travail des Enfants, or SSTE). It was launched in the Boeny region, and is focused on improving the credibility of data collected on child labor.

In addition, as a result of GOM lobbying and an education campaign among industries with the support of UNICEF, ILO and other organizations, the Ambatovy mining project (near Toamasina) now applies a zero tolerance policy for its employees regarding child prostitution and CSEC. Post has no data to illustrate the size of

this particular problem, but anecdotal evidence from both this and a Rio Tinto project near Ft. Dauphin indicate that mining operations in these areas may have contributed to an increase in demand for local sex workers, some of whom are allegedly underage.

¶6. Did the government participate in any commissions or task forces regarding exploitive child labor? Was the commission active and/or effective?

Post has no information indicating GOM participation in such efforts.

¶7. Did the government sign a bilateral, regional or international agreement to combat trafficking?

No.

## 2F) SOCIAL PROGRAMS TO ELIMINATE OR PREVENT CHILD LABOR:

¶1. Did the government implement any programs specifically to address the worst forms of child labor? Please describe.

There were no new programs in the reporting period specifically to address WFCL. A draft bill was discussed before the coup (see 2B para 1), but will advanced no further until parliament has been restored.

¶2. Did the country/territory incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social programs, such as conditional cash transfer programs or eligibility for school meals, etc? Please describe.

See 2E, para 2.

¶3. Did the government provide funding to the programs described above? Please describe amount and whether it was sufficient to carry out the planned activities.

See 2E, para 3.

¶4. Did the government provide non-monetary support to child labor programs? Please describe.

Post is unaware of any such programs.

15. Provide any additional information about the status and effectiveness of the government's activities during the reporting period in relation to the programs described above. If the programs involved government provision of social services to children at risk of or involved in exploitive child labor, please describe and assess the effectiveness of these services.

No additional information.

16. If the government signed one or more bilateral, regional or international agreement/s to combat trafficking, what steps did it take to implement such agreement/s? Did the agreement/s result in tangible improvements? If so, please describe.

Per 2E, para 7, no agreements were signed.

## 2G) CONTINUAL PROGRESS:

1. Considering the information provided to the questions above, please provide an assessment of whether, overall, the government made progress in regard to combating exploitive child labor during the reporting period. In making this assessment, please indicate whether there has been an increase or decrease from previous years in inspections/investigations, prosecutions, and convictions; funding for child labor elimination policies and programs; and any other relevant indicators of government commitment.

The ongoing political crisis, and the resulting fiscal crunch, has had a severe impact on the GOM's ability to address child labor, along with most other social problems. However, due to the continued lack of reliable statistics and the sheer size of the problem (with 1.8 million children identified as "economically active" in the 2007 ENTE), the lack of government progress in 2009 might better be viewed in a slightly broader context: since the GOM began addressing exploitive child labor in 2001, at no time has the government invested substantial resources or produced significant results (relative to the size of the problem) on this issue. The failure to improve in 2009 will not ultimately upset the trend lines for either government interventions or results, which have remained decidedly flat despite a decade of attention.

Where the government has succeeded is in allowing the ILO and international donors (including the USG) to innovate in this field.

USDOL, though local partner PACT, has launched a multi-year initiative in seven regions to prevent or withdraw 9,000 children from child labor.

The Government of France, through ILO/IPEC and RAF, has launched a program providing technical and financial support for capacity building in three regions, to provide vocational training to children withdrawn from child labor.

The European Union, through ILO/IPEC's TACKLE program, has launched a program in four regions to support families that are reintegrating child-laborers in school. It has components addressing the prevention, withdrawal, education, and mobilization elements of the fight against child labor.

As mentioned in 2C para 13, much work remains to be done to develop the GOM's contribution to the fight against child labor. Aside from financing the Manjary Soa Center (see para 2), and working to develop the PNALTE, the state doesn't directly finance any project in this domain. The majority of the ministries involved in fighting child labor lack the budgetary discretion to launch their own initiatives. Although the complex inter-ministerial structures designed to address child labor (see 2C para 1) bring all the stakeholders into the process, they also cause bureaucratic in-fighting, made worse by continual turn-over within each ministry that severely impedes their long-term ability to implement the PNALTE.